

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, MAY 11th, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

May 4, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 315 Kitt Road (Rep. District #7)

Scheduling a public hearing to be held on June 8th, 2004 to determine if the property located at 315 Kitt Road in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of March 3rd, 2004, Wachovia Bank National Association, A National Banking Association as Trustee for the Long Beach Mortgage Loan Trust 2002-2, C/O Washington Mutual, P. O. Box 1093, Northridge, California 91328, has been notified of the violations at this property. District #7

copy

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
September 23, 2003

Eddie G. Salazar
2532 Anise Dr.
El Paso, Texas 79936-3616

Re: 315 Kitt Rd.
Lots: E 51 Ft. of S 138.83 Ft. of
1 & 2 & TR 7-J-2 BLK 29 Ysleta
Blk: Caulder
Zoned: R-4
COD03-09229
Certified Mail Receipt #
7003 1010 0004 5304 2350

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:

CERTIFIED MAIL RECEIPT #7003 1010 0004 5304 0554

315 Kitt Road

- i. The building constitutes a danger to the public even though secured entry, or
- ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 315 Kitt Road has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within thirty (30) days from receipt of this letter.
- l. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

315 Kitt Road


If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in cursive script, appearing to read "Wayne Fannin".

Wayne Fannin
Building Inspector

WF/rl

A F F I D A V I T

El Paso, Tex.
Oct. 22nd 2003

To;

Building Permits
and Inspections
Code Compliance

Re; 315 Kitt Rd.
El Paso, Tex.
Lots E 51 Ft.
of S.138.83 Ft.
of 1 and 2 TR
7-J-2 Blk 29 of
Ysleta Caulder
Sub.-Div.

Gentlemen,

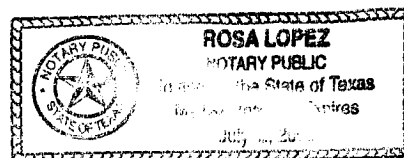
In regards to above mentioned property, I the undersigned, Eddie G. Salazar, do hereby state that I am no longer owner of the above stated property. This property was Foreclosed on Oct. 7th 2003. in El Paso Tex. The Atty"s involved are attached to this affidavit. The new owner that has foreclosed is, Long Beach Mtg, Dc.a Corporation with last known address that was P.O. BOX 201085, Stockton, Ca. 95202.

Respectfully

Eddie G. Salazar

Eddie G. Salazar

*State of Texas
County of El Paso
Sworn To and Subscribed me this
31st of October 2003
Rosa Lopez
Notary Public*



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: *WF*

Long Beach Mortgage Company,
A Corporation
P. O. Box 201085
Stockto, CA 95202
Re: 315 Kitt Rd.

LT #3

2. Article Number
(Transfer from service label)

7003 1010 0004 5304 0554

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Long Beach* ☒ Agent ☐ Addressee

B. Received by (Printed Name) *Joe Duran* C. Date of Delivery *11-6-03*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

NOV 03 2003

Postmark
Here

Long Beach Mortgage Company,
A Corporation
P. O. Box 201085
Stockto, CA 95202
Re: 315 Kitt Rd.

PS Form 3800, June 2002

See Reverse for Instructions

7003 1010 0004 5304 0554

20040413 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 152800

ACCOUNT C27099900101100
UNITS:01 05 06 07 08
SALAZAR, EDDIE G

AMT DUE AS OF: 20040413 ROLL R ALT OWN
OMIT(-)/SEL(+)
CAULDER
E 51 FT OF S 138.83 FT OF 1 & 2
& TR 7-J-2 BLK 29 YSLETA
(7182.33 SQ FT)

2532 ANISE DR

EL PASO

TX 79936-3616

| ACRES | YEAR | GROSS VAL | HOVDFAER | RCVL LEVY | REM LEVY | PARCEL ADDRESS | FEES | 315 KITT RD | PAYMENTS | TOTAL DUE |
|-------|------|-----------|----------|-----------|------------|----------------|------|-------------|----------|-----------|
| .1649 | 2003 | 41137 | | 1244.24 | 12/17/2003 | | | | 1244.24 | .00 |
| | 2002 | 41137 | | 1229.61 | 01/10/2003 | | | | 1229.61 | .00 |
| | 2001 | 41137 | | 1211.00 | 03/31/2002 | 108.99 | | | 1319.99 | .00 |
| | 2000 | 41137 | | 1186.47 | 03/06/2001 | 52.77 | | | 1239.24 | .00 |
| | 1999 | 41137 | | 1180.20 | 02/15/2000 | 82.62 | | | 1262.82 | .00 |
| | 1998 | 41137 | | 1212.50 | 10/16/1998 | | | | 1212.50 | .00 |
| | 1997 | 31995 | | 904.21 | 01/30/1998 | | | | 904.21 | .00 |

TOTAL

.00

.00

.00

LAST PAYOR LENDERS R.E. TAX SVCS. CORP.

PAGE TOTAL

.00

ENTER NEXT ACCOUNT

CUMULATIVE TOTAL

.00

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 8th day of June, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 315 Kitt Road, in El Paso, Texas, which property is more particularly described as:

A portion of Lots 1 and 2, Caulder Subdivision, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 6, Page 30, Plat Records of El Paso County, Texas, and the East 51 feet of Tract 7J2, Block 29, Ysleta Grant, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Wachovia Bank National Association, A National Banking Association as Trustee for the Long Beach Mortgage Loan Trust 2002-2, C/O Washington Mutual, P. O. Box 1093, Northridge, California 91328, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 11th day of May, 2004.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Teresa Garcia
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice May 11th, 2004 regarding the property located at 315 Kitt Road, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this ____ day of _____, 2004 on behalf of
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this ____ day of _____, 2004.

Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property located at 315 Kitt Road, was PUBLISHED in the official City newspaper on the ____ day of _____, 2004.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Wachovia Bank National Association, A National Banking Association
as Trustee for the Long Beach Mortgage Loan Trust 2002-2,
C/O Washington Mutual
P. O. Box 1093
Northridge, California 91322

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jaime Hidalgo
2927 Pershing Dr.
El Paso, Texas 79903

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Long Beach Mortgage Co.
P. O. Box 201085
Stockton, California 95202

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Troy Gotschall
1100 Town and Country Road #1600
Orange, California 92868

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Interstate Financial Corp.
C/O Harold E. Crowson
P. O. Box 862
ATTN: Temple B. Ingram
El Paso, Texas 79945

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Eddie G. Salazar
2532 Anise Dr.
El Paso, Texas 79932

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Ruggero S. Provenghi
Attorney at Law
1420 Geronimo Drive B-120
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Rosario Olivas
737 Feliz Rd.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Romelia Salazar
2532 Anise Dr.
El Paso, Texas 79932

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Beverly Mitrisen
C/O Mann & Stevens, P. C.
550 Westcott Suite 560
Houston, Texas 77007

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 315 Kitt Road, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 315 Kitt Road, El Paso, Texas.

Date: _____
Time: _____

Inspector